

REMARKS

Applicant has carefully considered the Final Office Action of May 26, 2005 and offers the following remarks to accompany the above amendments.

Initially, Applicant amends the specification in three places to correct typographical errors. No new matter is added, but the specification is placed in better form.

Applicant also amends claims 1, 10, 14, 15, 24, 26, 30, 31, 36, and 38 to address the informalities noted by the Patent Office. Applicant further amends claims 1, 14, 15, 24, 30, 31, and 38 to delete the amendment entered in the previous response and clarify that the transport data unit is a byte.

Claims 1, 10, 14, 15, 24, 26, 30, 31, 36, and 38 were objected to because of alleged improper use of articles, such as "a" and "the". Applicant's amendments address all the article usages raised by the Patent Office. Applicant requests withdrawal of the objection to the claims at this time.

Claims 1-9, 11-22, 24, 25, 28-35, and 38 were rejected under 35 U.S.C. § 102(e) as being anticipated by Solheim et al. (hereinafter "Solheim"). Applicant respectfully traverses. For the Patent Office to establish anticipation, the Patent Office must show where each and every element of the claim is located. Further, the elements of the reference must be arranged as claimed. MPEP § 2131.

As amended, the independent claims 1, 14, 15, 24, 30, 31, and 38 recite that the transport data unit is a byte. In contrast, Solheim describes element 608 as "stuff bits". Solheim does use the term "byte" twice in the specification, but both times it is in the context of the stuff bits or bytes and never references element 608 as a byte. See Solheim, col. 7, line 28-40 ("a number of stuff bits may be grouped as stuff bytes") and col. 8, lines 16-29 ("a number of stuff bits or bytes is added to the frame"). As indicated in the claims, the transport data unit includes the dummy data unit and the client data unit. Since Solheim does not teach that the transport data unit is a byte, Solheim does not anticipate the amended independent claims.

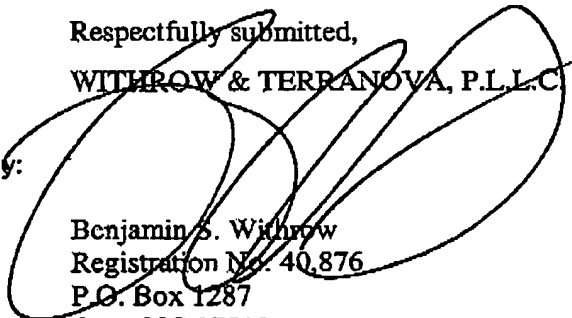
Since Solheim does not anticipate independent claims 1, 14, 15, 24, 30, 31, and 38, Solheim likewise does not anticipate the dependent claims. Applicant requests withdrawal of the § 102(e) rejection of claims 1-9, 11-22, 24, 25, 28-35, and 38 at this time.

Applicant requests reconsideration of the rejection in light of the amendments and remarks. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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Date: July 26, 2005

Attorney Docket: 7000-470

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